

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
EXECUTIVE COMMITTEE  
MINUTES OF PUBLIC HEARING**

DATE..... October 1, 2003  
TIME..... 4:30 P.M.  
PLACE ..... CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Karl Rutherford  
Mark Hermodson  
David Williams  
Jeff Kessler  
Jack Rhoda

**MEMBERS ABSENT**

Jan Mills  
James Miller

**STAFF PRESENT**

James Hawley  
Sallie Fahey  
Margy Deverall  
Kathy Lind  
Michelle D'Andrea  
James Hodson, Attorney

Jack Rhoda called the meeting to order.

**I. APPROVAL OF MINUTES**

Jeff Kessler moved to approve the minutes of the September 3, 2003, Executive Committee public hearing as submitted. Mark Hermodson seconded and the motion carried by voice vote.

**II. NEW BUSINESS**

**A. PRIMARY APPROVAL EXTENSION REQUEST**

1. **DAUGHERTY COMMERCE CENTER (MAJOR-PRELIMINARY PLAT):** The developer, DCI Development, LLP, is requesting a two-year primary approval extension request for Daugherty Commerce Center. The original conditional primary approval was granted on August 19, 1998 for a 29-lot industrial subdivision on 103 acres, located at the northwest corner of CR 350 S and Concord Road, in Lafayette, Wea 10 (NW) 22-4.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan. She recapped the history of this request including the Commission's vote on September 17, 2003 to allow the developer to file this belated request, and read the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with staff's report that starting this process from the beginning would be of little or no benefit to the community. He explained that re-starting this petition would cost everybody time and a lot of money, just to end up in the same place. He asked for approval

The Committee voted by ballot 5 yes to 0 no to extend conditional primary approval of **DAUGHERTY COMMERCE CENTER (MAJOR-PRELIMINARY PLAT).**

Jeff Kessler moved to continue **RE-0018—ABINGDON RURAL ESTATE (MAJOR-PRELIMINARY)** to the November 5, 2003 Executive Committee meeting. Mark Hermodson seconded and the motion carried by voice vote.

**B. FINAL DETAILED PLANS**

1. **RESOLUTION PD 03-07 -- BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTIONS 2:** Final detailed plans (construction plans only) for 176 single-family lots, in Wea 15(NE) 22-4.

**2. RESOLUTION PD 03-08 -- BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTIONS 3:**

Final detailed plans (construction plans only) for 73 single-family lots, in Wea 15(NE) 22-4. Jeff Kessler moved to hear and vote on the above-described requests. Mark Hermodson seconded the motion.

Sallie Fahey presented slides of the zoning map and plat. She read the combined staff report with recommendation of approval.

Joseph T. Bumbleburg stated that Mike Wylie, the project's engineer was present. He concurred with the staff report and asked for approval.

The Committee voted by ballot 4 yes to 0 no to approve of RESOLUTION PD 03-07 -- BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTION 2.

The Committee voted by ballot 4 yes to 0 no to approve of RESOLUTION PD 03-08 -- BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTION 3.

*Dave Williams joined the meeting at 4:41 p.m.*

**3. RESOLUTION PD 03-09 – STATE STREET TOWERS PLANNED DEVELOPMENT:** Final detailed plans for a 1.201-acre mixed-use development with a 4-story building and 2-level parking garage. The site is located on the southwest corner of State Street (SR 26) and South River Road (US 231), in West Lafayette, Wabash 20 (SW) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and site plan. She read the staff report with recommendation of approval. She stated that the petitioner has requested permission to bond

Paul Coutts, C&S Engineering, 1719 Monon Avenue, Lafayette, IN, reiterated the request for permission to bond to include the entrances, loading dock, storm drainage system and landscaping.

Karl Rutherford asked if there would be 1 parking spot per bedroom.

Paul Coutts replied affirmatively.

Mark Hermodson moved to approve the request for bonding. Jeff Kessler seconded and the motion carried by voice vote.

The Committee voted by ballot 5 yes to 0 no to approve of RESOLUTION PD 03-09 – STATE STREET TOWERS PLANNED DEVELOPMENT.

**III. PUBLIC HEARING**

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Karl Rutherford seconded and the motion carried by voice vote.

The Executive Committee agreed to hear S-3290 later in the hearing after petitioner's surveyor arrived.

**IV. APPROVAL OF THE OCTOBER 15, 2003 APC PUBLIC HEARING AGENDA PUBLIC HEARING A. REZONING ACTIVITIES**

Jeff Kessler moved that the following rezone petitions be placed on the October 15, 2003 Area Plan Commission Public Hearing Agenda:

**Z-2142—JESCO INVESTMENT CORP. (PDRS, GB & R3 TO PDMX)**

**Z-2143—WEXFORD DEVELOPMENT, INC. (CB TO PDMX)**

**Z-2148 – GREGORY A. MILAKIS (R1 TO PDRS)**

**Z-2149 – ROBERT CASSELL (R1 TO GB)**

**Z-2150 – TIM & KRISTINE BURKE (AA TO GB)**

Mark Hermodson seconded and the motion carried by voice vote.

## **B. SUBDIVISIONS**

Jeff Kessler moved that the following subdivision petitions be placed on the October 15, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3389 - SCHWARZ SUBDIVISION (MINOR-SKETCH)**

**S-3396 - RUBRIGHT SUBDIVISION (MAJOR-PRELIMINARY)**

**S-3397 - SCHRADER SUBDIVISION (MINOR-SKETCH)**

Mark Hermodson seconded and the motion carried by voice vote.

## **V. REVIEW AND APPROVAL OF THE OCTOBER ABZA PUBLIC HEARING AGENDA**

Jeff Kessler moved to place the following petitions on the October 22, 2003 Area Board of Zoning Appeals Public Agenda:

**BZA-1640—REGINALD L. & LAURA J. ROY**

**BZA-1647—JOHN M. & MIMI PEZZUTO**

**BZA-1648 – JAMES D. & ANNA DAVIDSON**

**BZA-1649 – KRISTEN E. MCVEY**

**BZA-1650 – LAFAYETTE BICKFORD COTTAGE, LLC.**

Mark Hermodson seconded and the motion carried by voice vote.

Jeff Kessler moved that the following BZA petitions for Special Exception do not substantially, adversely affect the Comprehensive Plan:

**BZA-1640—REGINALD L. & LAURA J. ROY**

**BZA-1650 – LAFAYETTE BICKFORD COTTAGE, LLC.**

Mark Hermodson seconded and the motion carried by voice vote.

## **VI. DETERMINATION OF VARIANCES**

### **A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS**

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

**#2003-39 - CATHIE GEIER**

**#2003-40 – ALEXNDER & CYNTHIA ZORAUICH**

**#2003-41 – SUZANNE & GLENN PARKER**

**#2003-42 – MATTEW & KELLE SANDY**

**#2003-43 – TEMPEST HOMES, LLC.**

**#2003-44 – TEMPEST HOMES, LLC.**

**#2003-45 – TEMPEST HOMES, LLC.**

**#2003-46 – WILLIAM & PHYLLIS UERKWITZ**

Mark Hermodson seconded and the motion carried by voice vote.

## **VII. REVIEW AND APPROVAL OF THE SEPTEMBER BUDGET REPORT**

Jeff Kessler moved to accept the September 2003 Budget Report as submitted. Mark Hermodson seconded and the motion passed by voice vote.

## **VIII. OTHER BUSINESS**

James Hawley presented the Committee with a letter from the Association of State Floodplain Managers, which stated that Krista Trout has successfully completed the process and examination to become a Certified Floodplain Manager. He explained that this would give the office a qualified floodplain manager upon his retirement. He informed the Committee that he would not be in the office October 8 through October 13, 2003 or October 15 through October 19, 2003. He stated that he would be in the office for approximately 6 hours on October 14, 2003. He explained that he would be at the State annual MPO Conference the second week.

### (III. Public Hearing – Continued)

#### A. SUBDIVISIONS

1. **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a 4-lot subdivision on 15.0 acres, located southwest of the CR 250 N and CR 1025 E intersection, in Perry 12 (SW) 23-3. CONTINUED FROM THE SEPTEMBER MEETING BY THE EXECUTIVE COMMITTEE. FINAL CONTINUANCE.

Jeff Kessler moved to hear and vote on the above-described request. Mark Hermodson seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and sketch plan. She stated that a new letter from DNR was attached to their packet, which explained the reduced floodplain area. She recapped 2 new conditions that were a result of the DNR letter. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. The note regarding the front setback shall be corrected to agree with the setbacks drawn on the plat. Also, this front setback shall be dimensioned from the right-of-way on the drawing.
2. A "No Vehicular Access" statement shall be platted along the CR 250 N right-of-way line that meets the County Highway Department's revised recommendations for placement of a shared drive.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted, including the 25' setback from the Flood Plain zoning district.
5. The Regulatory Flood Elevation and Boundary for the unnamed tributary to Wildcat Creek Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
6. The street addresses and County Auditor's Key Number shall be shown.
7. A note shall be shown across the face of Lots 1, 2, and 3 stating: "The lowest finished floor elevation of all buildings (this includes basements) constructed on Lots 1, 2, and 3 shall be a minimum of 615.5' (the flood protection grade as defined in UZO, based on the flood plain elevation as determined by IDNR)".

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

8. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
9. If the Health Department requires perimeter drainage systems that empty into the county road ditch within the right-of-way, a covenant shall be added to the plat that states, "A perimeter drain permit to discharge into the County right-of-way is required for Lots 1, 2 and 3."
10. The lowest finished floor elevation of all buildings (this includes basements) constructed on Lots 1, 2, and 3 shall be a minimum of 615.5' (the flood protection grade as defined in UZO, based on the flood plain elevation as determined by IDNR). This covenant shall be made enforceable by the Area Plan Commission and the County Building Commission, and is irrevocable by the lot owners.

Ron Wharry 52 West Clinton Street, Frankfort Street, IN, explained that the petitioners were transferred to Illinois and therefore could not be present. He stated that they concur with the conditions and covenants. He informed the Committee that he spoke to DNR regarding the floodplain and they were satisfied.

Karl Rutherford questioned the difference in elevations of the topographic lines.

Ron Wharry explained that all of the contours were 2-foot but not all were labeled.

Karl Rutherford read off the different elevation numbers.

Ron Wharry explained that as it goes up the hill the lines are closer together, so he only labeled every 10 feet.

Karl Rutherford said that it was odd that there were the same numbers side by side.

Sallie Fahey explained that those were on either side of the creek.

James Hawley explained that they table out above the creek and are equal contours on each side.

Karl Rutherford stated that he was satisfied with those results.

The Committee voted by ballot 5 yes to 0 no for conditional primary approval of **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH).**

**IX. ADJOURNMENT**

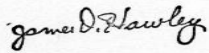
Mark Hermodson moved to adjourn the meeting. Karl Rutherford seconded and the motion carried by voice vote. The meeting adjourned at 5:10 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley  
Executive Director